IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14278 of 2004

Between:

1 Manthana Sathaiah, S/o. Laxminarayana,
H.No. 6-203, Opp. S.B.H. Gangareddy Road,

Mancherial, Adilabad District.
2 L. Raghu, S/o. Nagabushanam,
H.No. 6-203, Opp. S.B.H. Gangareddy Road,

Mancherial, Adilabad District.
3 P. Ravi Kumar, S/o. Sathaiah,
H.No. 6-203, Opp. S.B.H. Gangareddy Road,

Mancherial, Adilabad District.
4 Errolla Mallaiah, S/o. Brahmaiah,
8th Ward Councilor, Macherial, Adilabad District.
5 Meenam Laxmi, W/o. Agaiah,
17th Ward Councilor, Mancherial, Adilabad District.

...PETITIONERS

AND

1. The Municipal Council, Mancherial, Adilabad District, rep by its Commissioner.

2. The Chairman, Municipal Council Mancherial, Adilabad District.

3. Mangi Lal Somani, S/o. Chinni Ram Set,
Municipal Chairman, Mancherial, Adilabad District.

4. Punam Chand Agarwal, S/o. Kishan Lal,
Market Road, Mancherial,
Adilabad District.

5. Motial Agarwal, S/o. Kishan Lal Agarwal,
Market Road, Mancherial,
Adilabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 1st respondent herein as illegal, arbitrary and in violation of the provisions of the A.P. Municipalities Act 1965 and consequently direct the respondents 4 to 5 herein to remove the illegal wall construction made across 15'feet public road beside H.No. 6-203 leading from Gangareddy Road towards north, situated at Mancherial Municipality of Adilabad District and pass

Counsel for the Petitioners: MR.T.BHEEMSEN

Counsel for the Respondent Nos.1 to 3: MR.R.TIMMA REDDY, Standing Counsel for Municipalities.

Counsel for the Respondent Nos.4 and 5: None appeared.

The Court at the admission stage made the following:

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ORDER:

The petitioners herein allege that respondent Nos.4 and 5 herein are constructing illegal structures blocking the public road in Ganga Reddy road, in Mancherial, Adilabad District. Therefore, they filed the present Writ Petition seeking a Writ of Mandamus declaring the action of the Commissioner, Municipal Council, in not taking action against the respondent Nos.4 and 5 as illegal and arbitrary.

Heard Sri R.Thimma Reddy, learned standing counsel for Municipalities.

Admittedly, the petitioners have not given any representation to the Commissioner of the Mancherial Municipality. Without there being such representation seeking redressal, a Writ Petition for Mandamus straight away cannot be entertained. The petitioners are given liberty to approach the Commissioner, Mancherial Municipality. As and when such representation is given, the Commissioner shall enquire into the same and take appropriate action for removal of alleged illegal construction on the public road. Sri R.Thimma Reddy, learned standing counsel for the Municipalities is directed to inform about the order to the Commissioner, Mancherial Municipality.

The Writ Petition, with the above observations and directions, is disposed of.

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(V.V.S.RAO, J)

12th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner, Municipal Council, Mancherial, Adilabad District,
2. The Chairman, Municipal Council Mancherial, Adilabad District.
3. The Municipal Chairman, Mancherial, Adilabad District.
4. Sri R.Thimma Reddy, Standing Counsel for the Municipalities (Through Special Messenger), High Court of A.P., Hyderabad.
5. Two CD copies.